

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:17-cr-00124-1

JOSEPH DANIEL MILLS

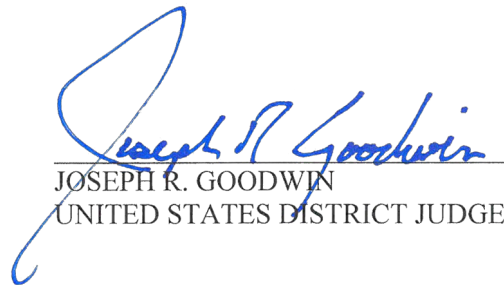
MEMORANDUM OPINION AND ORDER

Pending before the court is Defendant's pro se motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) [ECF No. 52] and an associated Motion for Appointment of Counsel [ECF No. 51]. For me to reduce or modify Mr. Mills' sentence under compassionate release, I must first find that he has exhausted his administrative remedies or waited 30 days from petitioning the Warden at the facility in which he is housed, has demonstrated "extraordinary and compelling reasons," is not a danger to the safety of others, and find that his release is consistent with § 3553(a) factors. *See e.g., United States v. Howard*, No. 4:15-CR-00018-BR, 2020 WL 2200855, at *2 (E.D.N.C. May 6, 2020); U.S.S.G. § 1B1.13 (2018). In his Motion, Mr. Mills states that he "has exhausted all administrative remedies available to him for Compassionate Release," and indicates that I should "see attached." [ECF No. 52 at 1]. However, Mr. Mills did not include any attachments with his Motion. Further, Mr. Mills did not provide the date on which he requested compassionate release from the Warden, nor did he include any documentary evidence of the same.

Therefore, his motion, [ECF No. 52], is **DENIED without prejudice**. The associated Motion to Appoint Counsel [ECF No. 51] is also **DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: January 5, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE